

RICHARD L HOLCOMB (HI Bar No. 9177)
Holcomb Law, A Limited Liability Law Corporation
1136 Union Mall, Suite 808
Honolulu, HI 96813
Telephone: (808) 545-4040
Facsimile: (808) 356-1954
Email: rholcomblaw@live.com

ALAN BECK (HI Bar No. 9145)
Attorney at Law
4780 Governor Drive
San Diego, California 92122
Telephone: (619) 971-0414
Email: ngord2000@yahoo.com

KEVIN O'GRADY (HI Bar No. 8817)
The Law Office of Kevin O'Grady, LLC
1136 Union Mall, Suite #808
Honolulu, HI 96813
Telephone: (808) 521-3367
Facsimile: (808) 521-3369
Email: kevin@criminalandmilitarydefensehawaii.com

Attorneys for Plaintiff Christopher Baker

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

CHRISTOPHER BAKER,

Plaintiff,

vs.

LOUIS KEALOHA, as an individual and
in his official capacity as Honolulu Chief
of Police;
STATE OF HAWAII;
CITY AND COUNTY OF HONOLULU;
HONOLULU POLICE DEPARTMENT;
NEIL ABERCROMBIE, in his official
capacity as Hawaii Governor,

Defendants.

CASE NO. CV11-00513

PLAINTIFF CHRISTOPHER
BAKER'S NOTICE OF
SUPPLEMENTAL AUTHORITY IN
SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Baker, by and through undersigned counsel, and gives notice of supplemental authority in support of his pending motion for a preliminary injunction to bring to the Court's attention the March 29, 2012 decision by the Federal District Court for the Eastern District of North Carolina in *Bateman v. Perdue*, Dist. Court, North Carolina (2011) (attached for the Court's convenience as Exhibit 1). In *Bateman*, the Court struck down North Carolina's ban on possession of firearms outside during a state of emergency. Most notably the Court stated.

1. "It cannot be seriously questioned that the emergency declaration laws at issue here burden conduct protected by the Second Amendment. Although considerable uncertainty exists regarding the scope of the Second Amendment right to keep and bear arms, it undoubtedly is not limited to the confines of the home. In Heller, the Supreme Court found that the Second Amendment includes ~the right to 'protect [] [onself] against both public and private violence,' thus extending the right in some form to wherever a person could become exposed to public or private violence."
2. The Court applied Strict Scrutiny to the statute. "Applying the Fourth Circuit's reasoning in Masciandaro, the court finds that the statutes at issue here are subject to strict scrutiny."

DATED: Honolulu, Hawaii, April 1, 2012

s/Richard L. Holcomb

Richard L. Holcomb (HI Bar No. 9177)

s/Kevin O'Grady

Kevin O'Grady (HI Bar No. 8817)

DATED: San Diego, California, April 1, 2012

s/Alan Beck

Alan Beck (HI Bar No. 9145)

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing, Notice of Supplemental Authority in support of Plaintiff's motion for preliminary injunction, was served on the following at their last known addresses:

Served electronically through CM/ECF:

Kendall J. Moser Kendall.J.Moser@hawaii.gov, atg.crl.d.efiling@hawaii.gov,
richard.r.gabatino@hawaii.gov, ryan.i.asuncion@hawaii.gov

Curtis E. Sherwood csherwood@honolulu.gov, bkamai@honolulu.gov, ndata@honolulu.gov,
smoka@honolulu.gov

02 April 2012

BY

/s/ KEVIN O'GRADY
Kevin O'Grady
Attorney for Plaintiff
Christopher Baker